

Approved as Submitted: August 3, 2005

**CITY OF MORGAN HILL
JOINT SPECIAL AND REGULAR CITY COUNCIL
AND SPECIAL REDEVELOPMENT AGENCY MEETING
MINUTES – JULY 20, 2005**

CALL TO ORDER

Mayor/Chairman Kennedy called the special meeting to order at 6:02

ROLL CALL ATTENDANCE

Present: Council/Agency Members Carr, Sellers, Tate and Mayor/Chairman Kennedy
Absent: Council/Agency Member Grzan

DECLARATION OF POSTING OF AGENDA

Office Assistant II Lewis certified that the meeting's agenda was duly noticed and posted in accordance with Government Code 54954.2.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

At the invitation of Mayor/Chairman Kennedy, Boy Scout Troop 730 led the Pledge of Allegiance.

CITY COUNCIL REPORT

Mayor Pro Tempore Tate indicated that he had the opportunity to sit in on the recent Youth Advisory Committee interviews. The committee currently exists of 9 full members and 9 associate members. He stated that only 4 incumbents remain on the committee.

Mayor Pro Tem Tate reported on his ongoing committee assignments, indicating that he serves on the Public Safety and Community Services Committee, and the Financial Policy Committee. During a recent meeting, the Public Safety and Community Services Committee discussed the Indoor Recreation Center operations and possible changes to the Aquatics Center programming. He stated that this Committee will soon begin to meet twice a month. He said that the Financial Policy Committee has agreed to add extra meetings in order to develop the "Year Long Conversation with the Community" program. The year long conversation will allow the Council to understand what services the community is willing to pay for. He stated that the Committee is currently going through the process of interviewing consultants who would help out with the process.

CITY COUNCIL SUBCOMMITTEE REPORT

Council Member Carr announced that the Public Safety and Community Services Committee is working on operational plans for the Aquatics Center, including off season and mid season changes. He indicated that staff did not recommend changes to the current summer program.

CITY MANAGER REPORT

City Manager Tewes reported that there are upcoming items on the Council's July 27, 2005 meeting that have the potential for considerable community involvement. 1) The Parks and Recreation Commission and staff have reviewed options for the outdoor sports complex. A staff report will be prepared that will address the potential for a private or non profit group participation and that the Council should expect long conversations. 2) There will be four items on downtown issues; including downtown parking, zoning for the "Sunsweet" property, a request for financial support from the Downtown Association, and a committee recommendation on downtown housing.

CITY ATTORNEY REPORT

Interim City Attorney Siegel stated there are no reports this evening.

OTHER REPORTS

PUBLIC COMMENT

Mayor/Chairman Kennedy opened the floor to public comments for items not appearing on this evening's agenda. No comments were offered.

City Council Action

OTHER BUSINESS:

1. INTERVIEWS TO FILL VACANCIES ON THE ARCHITECTURAL REVIEW BOARD (ARB); LIBRARY, CULTURE & ARTS COMMISSION; MOBILE HOME RENT COMMISSION; AND PLANNING COMMISSION

Mayor Kennedy addressed the interview process to be undertaken this evening, explaining that the Council will take 15 minutes to discuss the characteristics and traits they are looking for in candidates. He suggested that this discussion be split into two categories: a discussion of general characteristics for all commissioners; and a separate discussion for each commission. Following that, each candidate will be allowed a 3 minute opening statement, will answer one question from each Council member, and will be given 1 minute for a closing statement. This will be followed by Council discussion of the candidates and responses to questions. Each Council member will then fill out a recommended appointment sheet that will be submitted and tallied by City Clerk staff at the conclusion of the meeting. He will review Council members' recommendations and return with recommended appointments, subject to Council ratification.

Mayor Kennedy explained that the Planning Commission applicants have been invited to interview at 6:00 pm, and that the Library, ARB and Mobile Home Rent Commission applicants have been asked to arrive at 7:00 pm.

Council Member Sellers discussed the fact that only two commissions have more applicants than vacancies; inquiring whether there was anything that would preclude the Council from appointing all applicants to the other commissions, provided there are openings.

Mayor Kennedy explained that Council Member Grzan requested that all applicants be interviewed and complete the entire interview process.

Mayor Kennedy led the Council in a discussion on the characteristics and traits the Council is seeking in Planning Commission candidates.

Mayor Pro Tempore Tate expressed concern that a few commissioners wrote “incumbent” on their application and did not bother to fill out a new application. He suggested that the Council think about what that looks like to the public, and recommended that all applicants are asked to fill out an application if their previous application is more than a year old. He stated that he would consider incumbents seeking reappointment who are willing to update their application. He recommended that applicants have good listening skills.

Mayor Kennedy stated that Measure C is a time consuming process and that an applicant(s) should have some knowledge of Measure C and other planning issues. He explained that this is a very technical and time consuming process, and that he would like to know if an applicant has done their homework. He would like to make sure that the applicant knows what they are getting into as far as work load, etc.

Council Member Carr identified the qualities important for a planning commissioner. He felt that an individual needs to be able to work toward consensus and as advisors to the Council; not view themselves as a ‘mini City Council.’ He is not looking for individuals with technical background as much as an individual who is willing to roll up their sleeves and get the work done. He noted that the Council looks at the planning commission for assistance in the decision making process.

Council Member Sellers agreed with the comments made by his colleagues. Further, applicants should have a basic knowledge of planning issues and the City’s Residential Development Control System (Measure C). He stated that there are two other items he would like to see addressed. He felt that citizens coming before the Planning Commission are being disregarded, and their comments are not being given the weight they deserve. He did not know if this was attributed to commissioners becoming complacent and assuming what will be said by individuals coming before them. He said that just because an individual is an incumbent does not mean they are qualified for reappointment. He felt that the commission needs to be willing to work as a unified group and not pursue individual interests.

Mayor Kennedy reinforced that applicants must be good listeners and be able to give full attention to individuals that come before the commission. He stated that commissioners are an extension of the Council and need to bring neighborhood issues forward. They must also have a vision for the future of Morgan Hill.

Mayor Pro Tempore Tate felt that applicants should be familiar with the General Plan, and would like to know their opinions of the General Plan.

Mayor Kennedy requested that each Council Member prepare one or two questions for each applicant; asking all applicants the same question.

The Council conducted interviews for the Planning Commission. Candidates interviewed were Geno Acevedo, Kyle Baker, Robert Benich, Mike Davenport, and Mike Miramontes. Lee Schmidt was not present.

The Council entered into general discussion regarding the comments made by the applicants asking what they would like to see in the final decisions made by the Mayor.

Mayor Kennedy reiterated that it is important that candidates have knowledge and some background of the city, which shows that they have done their homework. He stated that he was impressed by individuals who have attended previous meetings or participated in Leadership Morgan Hill.

Council Member Carr addressed his question regarding the General Plan process. He explained that a lot of time has been spent drafting and redrafting the General Plan document each decade, and that there will always be changes to the General Plan. He further stated that there is a balance between changing and adhering to the General Plan.

Mayor Pro Tempore Tate asked what details the Council should be discussing. He felt the candidates were outstanding. The incumbents responded to questions and demonstrated that they merit reappointment to the Planning Commission. The new applicants showed they would bring new life and new ideas to the commission.

Council Member Sellers addressed his question regarding growth control and suburban sprawl. He stressed that the City must continue to look at why there has been no growth in the downtown.

Mayor Pro Tempore Tate felt that it was important that all applicants fill out applications.

Mayor Kennedy stressed that applicants should be involved in the community in a variety of ways: Pony Baseball, serving on other commissions such as the Architectural Review Board, and/or other affiliations. He indicated that candidates will be asked if they are interested/willing to serve on another board or commission if not successful with appointment to the Planning Commission. He informed the candidates that the process to be undertaken this evening is that the Council will provide the Mayor with their recommendations and the Mayor will return with recommended appointments next week for Council ratification.

Mayor Pro Tempore Tate informed the applicants that tenacity eventually pays off, indicating that it took him seven tries before being appointed to the Planning Commission.

The Council discussed the characteristics and traits it is looking for in candidates to serve on the Architectural Review Board; Library, Culture & Arts Commission; and Mobile Home Rent Commission.

Mayor Pro Tempore Tate noted that the Library Commission has expanded to include culture and arts and that the Council should look for individuals who can assist in these new areas.

Council Member Sellers stated that he would like to see the Library Commission focus on funding partnerships and have a greater role in this with the construction of the new library.

Council Member Carr stated he would like to see the Library Commission move away from discussions of the actual buildings, and place more emphasis on how they can interact with the schools and provide services.

Mayor Kennedy clarified that the arts would include the performing arts and permanent structures.

The Council interviewed Sylvia Cook, applicant for the Library, Culture & Arts Commission.

The Council conducted interviews to fill vacancies on the Mobile Home Rent Commission. Candidates interviewed were Swanee Edwards, Eric Gould, and Gloria Subocz for the ‘at large’ position, and Robert Koehler for the ‘owner representative’ position.

Mayor Kennedy indicated that the Mobile Home Rent Commission makes decisions that are quasi-judicial regarding disputes arising from the City’s mobile home rent control ordinance. Oftentimes, these decisions are independent of the actions taken by the City Council. He felt that candidates should possess a good perspective and be able to balance the facts.

James Fruit, Rod Martin, and Jerry Pyle were identified as incumbents for the Architectural Review Board. Planning Manager Jim Rowe reported that Jerry Pyle was unable to interview this evening, but that he is still very interested in reappointment. Mr. Fruit and Mr. Martin were not present.

Mayor Kennedy thanked all the applicants for participating in the interview process. He stated that he would take the recommendations of the Council Members under advisement in determining his recommendations for appointment. He will return to the Council with his recommended appointments on July 27, 2005 for Council ratification.

Council Member Carr discussed the lack of applicants and the make-up of ARB members. He expressed concern that the seats are very specific and suggested that the seats be made multi purpose in order to be able to fill vacancies.

Mayor Kennedy requested that this issue be agendaized for future Council discussion.

City Council Action

CONSENT CALENDAR:

Mayor Kennedy requested that item 2 be removed from the consent calendar.

Action: *On a motion by Mayor Pro Tempore Tate and seconded by Council Member Sellers, the City Council, on a 4-0 vote with Council Member Grzan absent, **Approved** Consent Calendar Items 3-7, as follows:*

3. **INDOOR RECREATION CENTER PROJECT – JUNE CONSTRUCTION PROGRESS REPORT**

Action: ***Information** Only.*

4. **ACCEPTANCE OF THE INTERIM OVERFLOW PARKING LOT PROJECT AT THE AQUATICS CENTER**

Action: *1) **Accepted** as Complete the Interim Overflow Parking Lot Project at the Aquatics Center in the Final Amount of \$53,321.84; and 2) **Directed** the City Clerk to File the Notice of Completion with the County Recorder's Office.*

5. **APPROVAL OF GRANT AGREEMENT WITH SANTA CLARA VALLEY WATER DISTRICT TO ASSIST WITH CITY'S STORM WATER QUALITY PUBLIC OUTREACH PROGRAM**

Action: ***Authorized** the City Manager, Subject to City Attorney Review, to Execute a Grant Agreement with the Santa Clara Valley Water District to Provide \$32,000 to the City in Support of Storm Water Quality Public Outreach Efforts.*

6. **RESIGNATION OF A LIBRARY, CULTURE & ARTS COMMISSIONER**

Action: *1) **Accepted** Bert Berson's Resignation from the Library, Culture and Arts Commission; and 2) **Directed** the City Clerk to Commence Recruitment Efforts to Fill the Vacancy.*

7. **ADOPT ORDINANCE NO. 1731, NEW SERIES**

Action: ***Waived** the Reading, and **Adopted** Ordinance No. 1731, New Series, and **Declared** That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING ARTICLES II AND III, THE STANDARDS AND CRITERIA AND PROCEDURES OF THE RESIDENTIAL DEVELOPMENT CONTROL SYSTEM AS SET FORTH IN CHAPTER 18.78 OF THE MORGAN HILL MUNICIPAL CODE.***

2. **FOX HOLLOW-MURPHY SPRINGS ASSESSMENT DISTRICT – ABANDONMENT OF PROCEEDINGS TO INCREASE ASSESSMENTS PURSUANT TO PROPOSITION 218 Resolution Nos. 5922 through 5932**

Mayor Kennedy stepped down from the Dias due to conflict.

Action: *On a motion by Mayor Pro Tempore Tate and seconded by Council Member Sellers, the City Council, on a 3-0 vote with Mayor Kennedy and Council Member Grzan absent, **Adopted** Resolution Nos. 5922, 5923, 5924, 5925, 5926, 5927, 5928, 5929, 5930, 5931, and 5932; Levying Assessments at the Previously Authorized Fiscal Year 2004-2005 Rate.*

City Council and Redevelopment Agency Action

CONSENT CALENDAR:

Action: *On a motion by Mayor Pro Tempore/Vice-chairman Tate and seconded by Council/Agency Member Sellers, the City Council/Agency Board, on a 4-0 vote, with Council Member Grzan absent, **Approved** Consent Calendar Item 8 as follows:*

8. **SPECIAL AND REGULAR CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF JULY 6, 2005**

Action: **Approved** the minutes as submitted.

FUTURE COUNCIL-INITIATED AGENDA ITEMS

Mayor Pro Tempore Tate stated that he would like to formalize the interview process to assure that all applicants submit completed applications, if the application is older than one year.

Mayor Kennedy supported Council Member Carr's recommendation to discuss the ARB make up at a future meeting.

Council Member Sellers expressed concern that the Council did not have the opportunity to discuss the Aquatics Foundation's upcoming event. He would like to see discussion regarding how the Foundation is conducting itself, continued City sponsorship, and naming the Foundation after one of the City's facilities.

Mayor Kennedy suggested Council Member Sellers discuss this concern with City Manager Tewes.

City Council and Redevelopment Agency Action

CLOSED SESSIONS:

Interim City Attorney/Agency Counsel Siegel announced the below listed closed session items:

1.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Authority:	Government Code Sections 54956.9(b) & (c)
Number of Potential Cases:	1

2.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION:

Authority:	Pursuant to Government Code 54956.9(a)
Case Name:	City of Morgan Hill v. Hernandez
Case Number:	Santa Clara County Superior Court, Case No. 1-04-CV-020063
Attendees:	City Manager, Interim City Attorney, and Attorney Gale Connor

3.

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Authority	Government Code 54957
Public Employee Performance Evaluation:	City Manager
Attendees:	City Council, City Manager

OPPORTUNITY FOR PUBLIC COMMENT

Mayor/Chairman Kennedy opened the Closed Session items to public comment. No comments were offered.

ADJOURN TO CLOSED SESSION

Mayor/Chairman Kennedy adjourned the meeting to Closed Session at 8:30 pm.

RECONVENE

Mayor/Chairman Kennedy reconvened the meeting at 9:18 p.m.

CLOSED SESSION ANNOUNCEMENT

Mayor/Chairman Kennedy announced that no reportable action was taken in closed session.

ADJOURNMENT

There being no further business, Mayor/Chairman Kennedy adjourned the meeting at 9:20 p.m.

MINUTES RECORDED AND PREPARED BY:

LISA LEWIS, OFFICE ASSISTANT II